

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

SHERRY L. HUELSKAMP,)	No. ED100686
)	
Respondent,)	Appeal from the Circuit Court
)	of Franklin County
vs.)	10AB-CC00346
)	
PATIENTS FIRST HEALTH)	Honorable Stanley D. Williams
CARE, LLC,)	
)	
Appellant.)	Filed: November 12, 2014

Patients First Health Care, LLC (“Defendant”) appeals the judgment entered upon a jury verdict awarding Sherry L. Huelskamp (“Plaintiff”) \$525,000 on her medical malpractice claim arising out of medical care provided to Plaintiff by Barbara King (“Nurse King”), a family practice nurse practitioner employed by Defendant.

AFFIRMED.

Division Four holds:

- (1) Defendant’s arguments that Plaintiff failed to make a submissible case of medical malpractice on the issue of causation have no merit. There was sufficient evidence to support the jury’s conclusion that Nurse King’s conduct directly caused or directly contributed to cause Plaintiff’s injuries. Therefore, the trial court did not err in denying Defendant’s motions for directed verdict and judgment notwithstanding the verdict with respect to the issue of causation.
- (2) The trial court did not abuse its discretion in allowing Plaintiff to testify in rebuttal because Plaintiff’s testimony counteracted and disproved testimony offered by Defendant.
- (3) Because Defendant’s arguments that Instruction No. 7 constituted a roving commission have no merit, the trial court did not err in submitting the instruction.

Opinion by: Robert M. Clayton III, J.
Roy L. Richter, P.J., and Lisa S. Van Amburg, J., concur.

Attorney for Appellant: Theodore D. Agniel and Kevin F. O'Malley

Attorneys for Respondent: Jamie Lynn Boock

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.